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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 In Re Bard IVC Filters Products
13 Liability Litigation

No. MD-15-02641-PHX-DGC

**NOTICE OF PLAINTIFF DEBRA
TINLIN'S HEALTH STATUS AND
INABILITY TO TRAVEL TO PHOENIX
ARIZONA FOR TRIAL BEGINNING
ON MAY 13, 2019**

(Assigned to the Honorable David G.
Campbell)

(Tinlin Bellwether Case)

19 Pursuant to CMO 41 (Doc. 15176), Plaintiff, Debra Tinlin, by and through counsel
20 undersigned, hereby provides the Court and Defendants C.R. Bard, Inc. and Bard
21 Peripheral Vascular, Inc. with notice of her current health status and her doctors'
22 recommendations that she not travel to Phoenix, Arizona for trial beginning on May 13,
23 2019. Attached hereto and respectively as Exhibit A and B are correspondence from
24 Heather A. Stanko, M.D., a neurologist who also has sub-specialty board certifications in
25 neurophysiology and vascular neurology, and Leah A. Nitke, D.O., an internal medicine
26 doctor.

27 Both Dr. Stanko and Dr. Nitke have been providing care and treatment to Ms.
28 Tinlin for her medical conditions. As indicated in Dr. Stanko's letter, Ms. Tinlin is

1 wheelchair-bound due to longstanding right leg paralysis and bilateral upper extremity
2 dysmetria complicated by muscle spasms and poor endurance. These medical conditions
3 prevent her ability to travel by either car or plane to Phoenix Arizona according to Dr.
4 Stanko.

5 Plaintiff intends to file a motion pursuant to Fed. R. Civ. P. 43(a) requesting
6 permission for Ms. Tinlin to appear for trial and provide testimony by contemporaneous
7 transmission from the Eastern District Court in Green Bay, Wisconsin which is near her
8 home.

9 RESPECTFULLY SUBMITTED this 1st day of March, 2019.

10 BEUS GILBERT, PLLC

11 By: /s/ Mark S. O'Connor

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/Jessica Gallentine